



1997 ASSEMBLY BILL 563

October 17, 1997 - Introduced by Representative BAUMGART. Referred to
Committee on Natural Resources.

1 **AN ACT to repeal** 943.13 (1e) (a), 943.13 (1e) (b), 943.13 (1e) (c), 943.13 (1e) (d),
2 943.13 (1e) (e), 943.13 (1e) (f), 943.13 (1m) (e) and 943.13 (1m) (f); **to**
3 **consolidate, renumber and amend** 943.13 (1e) (intro.) and (az); **to amend**
4 939.52 (2), 943.13 (1m) (intro.), 943.13 (1m) (a) and 943.13 (2) (intro.); and **to**
5 **create** 939.52 (1) (ab) and 939.52 (3) (ab) of the statutes; **relating to:** trespass
6 to land and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits trespassing. Generally, a person is guilty of trespassing if he or she does any of the following: 1) enters or remains on any land of another after having been notified (by “no trespassing” signs or otherwise) not to enter or remain on the land; or 2) enters enclosed, cultivated or undeveloped land of another, or any land of another that is occupied by a structure used for agricultural purposes, without the express or implied consent of the owner or occupant, except that, with respect to undeveloped private land that abuts a parcel of land that is owned by the United States, this state or a local governmental unit, a person is guilty of trespassing only if he or she enters or remains on such land after having been notified (by “no trespassing” signs or otherwise) not to enter or remain on the land. A person who is found guilty of trespassing may be required to forfeit not more than \$1,000.

This bill makes the following changes in current law relating to trespassing:

1. The bill increases the penalty for trespassing by providing that a person who is found guilty of trespassing may be required to forfeit not more than \$1,500.

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2. The bill eliminates undeveloped land from the types of land that may be entered only with the express or implied consent of the owner or occupant and instead treats all undeveloped land in the same way that current law treats undeveloped private land that abuts a parcel of land owned by the United States, this state or a local governmental unit. Thus, under the bill, a person is guilty of trespassing on any kind of undeveloped land only if he or she enters or remains on such land after having been notified (by “no trespassing” signs or otherwise) not to enter or remain on the land.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 939.52 (1) (ab) of the statutes is created to read:

2 939.52 (1) (ab) Class AB forfeiture.

3 **SECTION 2.** 939.52 (2) of the statutes is amended to read:

4 939.52 (2) A forfeiture is a Class A, AB, B, C, D or E forfeiture when it is so
5 specified in chs. 939 to 951.

6 **SECTION 3.** 939.52 (3) (ab) of the statutes is created to read:

7 939.52 (3) (ab) For a Class AB forfeiture, a forfeiture not to exceed \$1,500.

8 **SECTION 4.** 943.13 (1e) (intro.) and (az) of the statutes are consolidated,
9 renumbered 943.13 (1) and amended to read:

10 943.13 (1) In this section: ~~(az) “Implied,~~ “implied consent” means conduct or
11 words or both that imply that an owner or occupant of land has given consent to
12 another person to enter the land.

13 **SECTION 5.** 943.13 (1e) (a) of the statutes is repealed.

14 **SECTION 6.** 943.13 (1e) (b) of the statutes is repealed.

15 **SECTION 7.** 943.13 (1e) (c) of the statutes is repealed.

16 **SECTION 8.** 943.13 (1e) (d) of the statutes is repealed.

17 **SECTION 9.** 943.13 (1e) (e) of the statutes is repealed.

18 **SECTION 10.** 943.13 (1e) (f) of the statutes is repealed.

